

STATE OF WASHINGTON



**OFFICE OF
INSURANCE COMMISSIONER**

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON**

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In the Matter of) No. D 2000 - 106
)
Kenneth D. Burkholder
and
Burkholder and
Associates, Inc.,
dba Herzog &
Burkholder
Insurance,
Licensee.)

ORDER NOT TO
ISSUE, RENEW,
OR REINSTATE
) LICENSE

To: Licensing Division
Insurance Commissioner's Office
Olympia, Washington

Copy to: Kenneth D. Burkholder and
PO Box 25
Corbett, OR 97019

Burkholder and Associates, Inc.
dba Herzog & Burkholder Insurance
330 D 112th Avenue
Vancouver, WA 98684

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that no insurance agent's or solicitor's license shall be renewed, reinstated, or issued to Kenneth D. Burkholder or Burkholder and Associates, Inc., (the "former licensees") and no appointment or affiliation of the former licensees as an agent will be accepted, until the further order of the Commissioner.

THE BASIS FOR THIS ORDER is that the former licensees are demonstrated to be untrustworthy and a source of injury and loss to the public and not qualified to be licensed as insurance agents or solicitors, in that:

1. Mr. Burkholder wrote applications for insurance after his license as an agent had expired and

he was not licensed. He signed his name as an agent at least 29 times when he was not licensed. He purported to bind coverage at a time when he was not licensed and was not appointed by the insurance company.

2. Mr. Burkholder failed to send premium money promptly to the insurance company for which it was intended.

3. Mr. Burkholder issued a receipt to bind coverage without complying with RCW 48.18.220.

4. Mr. Burkholder issued a receipt to Svetlana Golosinskaya for a premium payment. That receipt did not identify the insurer, did not state the policy number, and did not state the agent's address, all in violation of WAC 284-30-550.

5. Burkholder and Associates as the licensed agent is also responsible for the above misconduct.

6. Burkholder and Associates failed to have records at its place of business, which failure violated RCW 48.17.470.

7. Burkholder and Associates did not have any licensed agent, which violated RCW 48.17.180.

By this conduct, the former licensees are demonstrated to be untrustworthy and a source of injury and loss to the public and not qualified to be licensed as an insurance agent or solicitor. The refusal to renew, reinstate, or reissue a license is pursuant to RCW 48.17.530(1)(b), (d), and (h).

NOTICE TO THE FORMER LICENSEES CONCERNING YOUR RIGHT TO A HEARING. The former licensees have a right to demand a hearing pursuant to RCW 48.04.010 if aggrieved by this act of the Commissioner. Please note that a detailed summary of the right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed. Please send any demand for hearing to William E. Frandsen, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ISSUED AT LACEY, WASHINGTON, this 28th day of November, 2000.

DEBORAH SENN
Insurance Commissioner

By

WILLIAM E. FRANDSEN
Deputy Commissioner

Investigators: Ed Ganley and Marianne Wise